

PATENT

UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants	Sawitzki et al.
Serial No.	10/525,180
Filing Date	September 27, 2006
Art Unit	1634
Confirmation No.	4919
Examiner	Bausch
Title	IMMUNE MARKERS USED FOR DIAGNOSIS AND THERAPY IN CONNECTION WITH TRANSPLANT REACTIONS
Attorney Docket No.	074060.22

Cincinnati OH

August 4, 2008

ELECTION, PRELIMINARY AMENDMENT

Responsive to the March 3, 2008 Restriction, Applicants elect Group V, claims 43, 44, 48 with traverse, and elect SEQ ID NO. 7

By Preliminary Amendment, Applicants have amended the claims as the Examiner indicated in the "Note" so that claims 46-47 should be included in Group V.

Applicants note the Examiner's acknowledgement that claims 40-42 and 45 link Groups V and VI, and Applicants' ability to request rejoinder upon allowance. Applicants respectfully traverse the Restriction between Groups V and VI and respectfully disagree that Groups V and VI do not relate to a single general inventive concept, at least because of the common inventive concept of claim 40, and the fact that the level of a nucleic acid molecule can be indirectly determined by measuring the expressed peptide or its activity.

Prior to examination, Applicant requests the application be amended as follows:

Amendments to the Claims begin on page 2.

Remarks begin on page 6.